



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

NOV 03 2010

Ms. Patricia A. Kurkul
Regional Administrator
National Marine Fisheries Service
1 Blackburn Drive
Gloucester, Massachusetts 01930

Dear Ms. Kurkul,

The U.S. Environmental Protection Agency (EPA) recently proposed a Total Maximum Daily Load (TMDL) for the Chesapeake Bay to address nutrient overenrichment. The basis of that TMDL was EPA's 2004 document, *Ambient Water Quality Criteria for Dissolved Oxygen, Water Clarity and Chlorophyll a for the Chesapeake Bay and Its Tidal Tributaries* (Regional Criteria Guidance), as amended, for which EPA and the National Marine Fisheries Service (NOAA Fisheries) completed Section 7 consultation under the Endangered Species Act in 2004. The purpose of this letter is to provide NOAA Fisheries with an addendum to EPA's 2003 Biological Evaluation of the *Regional Criteria Guidance*. This document focuses mainly on any impacts to shortnose sturgeon in the Chesapeake Bay due to levels of dissolved oxygen resulting from multiple addenda to the *Regional Criteria Guidance* and the draft TMDL. EPA is providing this information to NOAA Fisheries so that they may reissue its 2004 Biological Opinion.

So that EPA may meet the requirements of Restoration Executive Order 13508 and issue the final TMDL by December 30, 2010, we ask that you respond to this letter as soon as possible, but in no case later than November 24, 2010. We look forward to an early response to this letter, and a favorable response to your review of this information. Should have any questions concerning this correspondence or the enclosure, please contact me at (215)814-5452, or Denise Hakowski of my staff at (215)814-5726.

Sincerely,

A handwritten signature in black ink, reading "Larry Merrill", is written over a pre-printed name.

Larry Merrill, Associate Director
Office of Standards, Assessment and TMDLs
Water Protection Division

Enclosure

cc: Richard Batiuk (EPA, Chesapeake Bay Program Office)
Christopher Day (EPA, Region 3)
Peter Gold (EPA, Region 3)



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